Fleno Legn 41-42

1942-43 (Legn) **Serial No. 1**

Previous references.
Legn 2.40.14.

Later references.

PRESERVED

54

GRS

Office of the Secretary to the Representative Assembly and Legislative Council

B for March 1943.

SUBJECT.

~~Amendments to the Defence of India Act.~~
The Defence of India (Amendment) Act 1942

To the Controller Mysore Gazette.
No RL 644 Legn 41-42-1 dated 21-12-1942
Directs the publication of ——— in Ria. Gazette.

54

WD 04023—GPB—1,000- 12-9-41

C&SSCrtlg
2/3/43

980/W

Defence of India Act & Rules

General and Revenue Secretariat

File No. of 194 [App. F. III—2

Serial No.

From The Secy to the Hon'ble the Rev Member
F. 69-42/W dt 18th Sept. 42 inviting reference
to The Defence of India (Second Amendment)
Ordinance and to the Defence Draft Notifications
dt 5th & 7th Sept. 42.

1 If approved the rules viz the amendments
to the Act will be sent to the Legs. Section
for necessary action.

2 The Notifications will be published
in Mysore after the Act & Rules are finalised

PS 24/9 3) Do not amendments
to the Defence of India — Rules
Secy. become operative in Travancore
in Mysore — by
25/9

4) Kind reference is invited
to S. 1 of Act XXVI of 1939
according to which the
Defence of India Act 1939
shall, mutatis mutandis,
be enforced in Mysore
so long as and to the
same extent as the said
Act is in force in British India
Submitted for favour

See 25/9. by
25/9

NOTE—Contn. Sheet.

CHIEF SECRETARY
25 SEP 194

WD 04155—GPB—55,000—23-10-41

980
1865/W

File No. of 194

General and Revenue Secretariat

Serial No.

5) I think, under the recent Decent Decision of the High Court, re retrospective is necessary.

Law Sec (Asst)
Law Sec

6) The Asst Secy War Sec
is given instructions.
He will do the needful
& keep up.

Asst Secy
War Sec

Law
28-9

7) The Advocate may be
requisitioned for information
The amendments to the Rules
will be incorporated in the draft
consolidated one.

Secy
War Sec

8) Send with enclosures.

Secy
1/10.

For Perusal

Secy
1/10

Law (Asst Secy)

9) I think this is not enough. Draft of
the amending Act may be prepared + Rule 87A
Please put up alongwith one of Rule 45-B/separately

Secy
1/10

Secy
1/10

From
The Secy to the Govt
P. 69-42/W 1
26th Sept 42
inviting reference
to Defence Dept
Notification dt
12th Sept 42

OFFICE OF THE
MINISTER FOR LAW
SEP 28 1942
No. 2711

SECY. LAW DEPT.
28 SEP 1942
GOVT OF MYSORE

OFFICE OF THE
MINISTER FOR LAW
OCT 1 1942
No. 2854

1065 F.

Amendments to Defence of India Act

General and Revenue Secretariat | File No. | of 194 | [App. F. III-2

Serial No.

10) A request for recommendation. The undersigned Defence of India Act of British India has had three amendments to pass

(1) The amendment Act XIX of 1940

(2) Amendment Ordinance XXIII of 1940

(3) — do — XLVIII of 1940

The first was referred for information for reasons explained in the Notes in Legislation 2740-16.

11) It is held that notwithstanding Section (1) of the Defence of India Act, Act XXVI of 1939 it is held that the amendment Act do not have the force of law in Mysore, a fresh Amendment Act has to be enacted embodying the provisions of all the three amendment Acts

In

By Land Sds 8/10/40

42) The procedure hitherto adopted is not legal. Sec 1 of Act XXVI of 1939 has no application for enactment

SEC... LAW DEPT. ... OCT 1942 ... GOVT OF MYSORE

NOTE—Cont. Sheet.

WD 04155—GPB—55,000—23-10-41

Amendments to the Defence of India Act

1065/W

File No. of 194 . | General and Revenue Secretariat

Serial No.

to be made in future
13) All the amendments
Acts may be consolidated
& an Act may be
passed now.
by Section next
14) I put up the draft read
as
8.10.42

BXR
8.10 42

BN
8.10.42

15) Draft of a consolidated amendment Act is put up. It embodies all the provisions of the three amendment Acts issued by the Govt of India. The changes are chiefly in respect of Sections 2, 6 and 18 of the principal Act

* Act * IX of 1942
Ordinance XXIII of 1942
Ordinance XLVIII of 1942

Submd.
23.10.42 16) Draft incorporating all the amendments
BNN 23/10 effected by the 3 enactments of British India is put up. Opportunity has been taken to make an amendment in the Schedule to Act XXVI of 1939. Item 8 of that Schedule refers to the Mysore Newspapers Act of 1908 which was the law in force in 1939. Now

Serial No.

that that Act has been replaced by the Press and Newspapers Act, 1960, which is going to be suitably amended and this has been done in the draft Bill put up. (clause 2)

17) As in the case of the original Act, the amending Act might also be promulgated under His Highness' Prerogative

MD
26-10-61

ey
26/10

BVR
26.10.61

Law Secy)

18) Two drafts are submitted. No. 1 amends section 1 of our Act XXVI of 1939 by adding "subject to such amendments as may be made from time to time" so that all amendments made by the Central Government would automatically apply to Mysore. This would obviate the necessity of enacting an Act in the exercise of the prerogative powers of His Highness every time an amendment is made by the Central Government, though there is theoretical objection to it.

No. II consolidates all the amendments made by the Central Government up-to-date.

Section 1 of our Act, strictly construed, applied to Mysore only the Defence of India Act as it stood then and has not the effect of making subsequent amendments applicable. Hence the necessity for the

NOTE—Contn. Sheet

Amendments to the Defence of India Act

File No. 227 RL of 194

General and Revenue Secretariat R. A. & L. C.

Serial No.

present Act.

19) Opportunity is taken to amend item No 8 of the schedule to our Act in view of the repeal of the Newspapers Act, 1908 and enactment of 1940 Act.

Ministry of Law
Comments

ms
20-10-42

26.10.42

20) I think it best to accept alternative I but it must be made common as previously discussed

-7/10

ms
27-10-42

Considered & submitted

ms
28-10-42

Ministry of Law

21) As instructed by the Law Minister a revised draft Bill is submitted for Consideration.

22) The amendment to section 1 is made to cover future amendments to the Act to be made in British India.

23) Amendments already effected in British India are now made effective and will take effect

OFFICE OF THE
OCT 27 1942
No 3541

Took instructions from Law Minister ms 29.10.42

Defence of India (amendment) Bill

227/M.

General and Revenue Secretariat | File No. | of 194 | [App. F. III—2

Serial No.

Mysore from the Coming into force of this amending Bill

24) As some Confusion exists as to the title of our Act XXVI of 1939 and the Bombay Indian Defence of India Act as applied to Mysore, this opportunity has been taken to call our Act XXVI as the Defence of India (adaptation to Mysore) Act, 1939. The British Indian Act which is really an annexure to our Act could hereafter be conveniently called the Defence of India Act, as applied to Mysore or as the annexure to our defence of India (adaptation to Mysore) Act, 1939.

Sec'y (Law) RA (Le) 3.11.42

GOVT. LAW DEPT. 4736 1942

GOVT OF MYSORE

3-11-42

Law Secy)

21) As instructed by the Law Secy in connection with the linked file, amendment of Bombay Act, and newspaper Act, 1940 is incorporated in this draft Bill on the lines of British Indian ordinance LII 1941

Sec 5-11-42

Law 5-11-42

25) The amendments made hitherto by the Central Govt are consolidated and incorporated

26) S. 1 is amended so that amendments to be made hereafter may become applicable automatically

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

The Defence of India (Amendment) Act

File No. 227/R2 of 194

General and Revenue Secretariat.

Serial No.

NOV 5 [illegible]
3870

The other changes are already noted

cws
5-11-42

[illegible]
v
Ewart

BKR
5.11.42

OFFICE OF THE MINISTER FOR LAW
NOV 12 1942
No.

Ans
5/11

28) Personally ~~am~~ I am in favour of amending the Act as and when necessary; instead of enacting that the Amendments made by the Legislature in Br India should automatically apply

Ans
11/11/42

29) Please revise draft

Ans
12/11

cws
12-11-42

BKR
12-11-42

please bring up
Ans
12.11.42

Mr. T.V.

As directed above, a revised draft is submitted herewith

DV.
14/11/42

Ans
14.11.42

The Defence of India (Amendment) Act

General and Revenue Secretariat R. A. & L. C. | File No. 227/RL of 194 | [App. F. III–2

Serial No.

19 .11. 1942
3850

331

SECY. L. DEPT. 5.28 PM. GOVT OF MYSORE

31) A revised Bill is put up. The amendment of section 1 which provided for operation of future amendments to be made in British India has been deleted.

Secy RA. 2c)

DN 16.11.42

BXR 17.11.42

Law Secy)

32) May be approved. This is according to the alternative always which had been submitted

Chief Secy

17-11-42

Dewan

BXR 17.11.42

33) 18/11 18.11

19.11.42

34) May be disposed of by circulation

Dewan

19-11-42

35) 19.11

BXR 19.11.42

3876

21 NOV 1942 CHIEF SECRETARY GOVT OF MYSORE

NOTE—Contn. Sheet No. 2 to 194

36) For favour of circulation

19-11-42

Submitted with a circulation memo

Chief Secy

19.11.42

24/11/42

Secy

24/11

BXR 20.11.42

For Disposal by Circulation.

No. C. 498

.....Q..1942.43.

GENERAL AND REVENUE SECRETARIAT

Council Matter.

Subject

The Defence of India (Amendment) Act, 1942.

Circulated to the Council of Ministers.

By Order.

.....20th November 1942.

Chief Secretary to Government.

Minister for Finance and Revenue. (Seen,

Minister for Law. (Seen,

37)

2487/23.11 **Minister for Education.** 23.11

38)

4.74/23/11/42 **Minister for Local Self-Government and Public Health.** 24.11.42

39) Law See ws 24/11

OFFICE OF THE SECR... Mr. TV 20...

WD 06346—GPB—500—24-3-42

26-11-42

26.11.42

Amendment of the Mysore press and Newspapers Act, 1940

248/41.

Serial No.

Typed Copy placed below

Reference is invited to Ordinance LII of 1942 of the Government of India amending the Press (Emergency Powers) Act of 1931.

Section 18 of that Act which is now amended corresponds to Section 18 of the Mysore Press and Newspapers Act, 1940.

Submitted separately yesterday to the Law Secy

In the ~~file~~ Bill proposed for amendment of the Defence of India Act, 1939 as applied to Mysore (XXVI of 1939) one of the Clauses relates to amendment of the Mysore Press & Newspapers Act, 1940.

If the amendment now made in British India by Ordinance LII is to be given effect to in Mysore, it is for orders if this amendment may not be incorporated in the Bill already drafted to amend the Defence of India Act. The amendment will have effect till such time as the Defence of India Act is in force in Mysore. The question of permanently incorporating the amendment may be considered hereafter. Even in British India, as the amendment has been effected by an Ordinance ~~It~~ it will have ~~duration~~ effect only for a limited duration, this duration

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

The Defence of India (Amendment) Act

General and Revenue Secretariat
R. A. & L. C.

File No. 194

[App. F. III–2

227/RL

Serial No.

OFFICE OF THE MINISTER FOR LAW
DEC 3 1942
No. 4833

40) A D.F.N is submitted for approval
Typed draft as revised please
28/11/42
28.11.42
30.11.42

41) A revised draft is submitted herewith
30-11-42
30.11.42
Secy (RA & Le)
1.12.42

SECY. LAW DEPT. GOVT OF MYSORE

Law Secy)

42) D.F.N is submitted
1-12-42

Signed Final Note in the file
3/12/42

43)
1-12-42

4226

NOTE—Contn. Sheet

Final Note by the Minister for Law

Subject.— Promulgation of an Act to amend Act No.XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

Para 4 ground

The Defence of India Act was applied to Mysore by Act (XXVI) of 1939 on 4th September 1939. Under Section (1) of our Act, the Defence of India Act, 1939 is enforced in Mysore mutatis mutandis and as long as, and to the same extent as, the Act is in force in British India.

Certain amendments have been made after 1939 to the British Indian Act by the Government of India. It is considered desirable to incorporate these amendments in our Act by express legislation. It is proposed to issue one Act

Para 18, 19 & 20 of notes

consolidating all the amendments made by the Central Government up-to-date.

Opportunity is also proposed to be taken to amend item 8 of the Schedule to our Act in view of the repeal of the Newspapers Act, 1908 and the enactment of the Mysore Press and Newspaper Act, 1940. Incidentally, it is proposed to give to our Act (XXVI) of 1939 the title "the Defence of India (adaptation to Mysore) Act, 1939" so as to differentiate it from the British Indian Act.

This amending Act is proposed to be issued under the prerogative of His Highness in the same way as the principal Act was promulgated in 1939.

Paras 25, 29, 33, 35, 37 & 38 & note.

The Dewan and other Ministers agree that the proposed measure is necessary.

I solicit gracious sanction of His Highness to the promulgation of the measure.

Camp, Mysore,
2nd December, 1942.

MINISTER FOR LAW.

Submitted to His Highness.

I submit herewith for His Highness's gracious approval a Final Note by the Minister for Law regarding the proposal to promulgate an Act to amend Act No. XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

M. Visvesvaraya

DEWAN.

Bangalore,
7th December 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to promulgate an Act to amend Act No. XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

No 415

Order.

11/12/'42

General and Revenue

Secretariat.

C498

SUBJECT:—

Proposal to promulgate an Act to amend Act No.XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department.

Minister for Finance and Revenue.

Minister for Law. 14/12

2913 15.12

Minister for Education. 16.12.42

6776 16/12/42

Minister for Local Self-Govt. and Public Health. 17.12.42

Law Secy cases

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

Addl. T.V.

BKR 18.12.42

The Defence of India (Amendment) Act

General and Revenue Secretariat R. A. & L. C. | File No. 227 RL of 194 | [App. F. III–2

Serial No.

The gracious assent of His Highness the Maharaja was accorded on the 11th day of December 1942 to promulgate the Defence of India (Amendment) Act into law.

A draft G.O. directing the publication of the Act as Act XLIII of 1942 is submitted for approval

W. 21-12-42 — DRS 21-12-42

DRS 21/12 — Law Secy)

ans 22 12 42

DSHe MRR 23-12-42

To

The compiler Mysore Gazette

Order No RL 649 Legis 41-42-1 dated 24-12-42 / 26

Directs publication of the Act as Act No XLIII of 1942

A printed copy of the Act is put up herewith

If approved, the file will be put up for record

W. 1-3-43 — BVN 1/3 — BRN 1.3.43

W. 1-3-43

SECRETARY

OFFICE OF THE SECRETARY 1943 LEGISLATIVE ASSEMBLY REPRESENTATIVE LEGISLATIVE COUNCIL

SECY. LAW DEPT. 7645 22 DEC. 1942 GOVT OF MYSORE

NOTE—Contn. Sheet

980
W

FROM

The Secretary to the Hon'ble the Resident in Mysore.

TO

The Chief Secretary to the Government of His Highness the Maharaja of Mysore, Bangalore.

CHIEF SECRETARIAT
18 SEP 1942
GOVT. OF MYSORE

Memorandum No. F.69-42/W.

Dated Bangalore, the 18th Sept. 1942.

Amendments to the Defence of India Act and Rules.

Attention is invited to the following: -

(1) The Defence of India (Second Amendment) Ordinance, 1942 - Ordinance No.XLVIII of 1942 - published in the Gazette of India Extraordinary, dated the 5th September 1942.

(2) The Government of India, Defence Department, notifications Nos.1346-OR/42 and 1561-OR/42, dated the 5th September 1942, published in the Gazette of India, Part I, of the same date.

amending Rule 65B Rule 87A

(3) The Government of India,

Defence

Defence Department, notification No.1564-OR/42, dated the 7th September 1942, published in the Gazette of India Extraordinary, of the same date.

for SECRETARY TO THE RESIDENT.

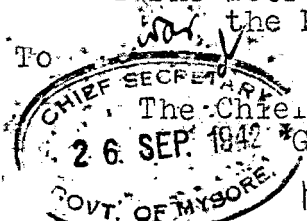
1065
-W

From

The Secretary to the Hon'ble the Resident in Mysore.

To

The Chief Secretary to the Government of Mysore, Bangalore.



Memorandum No.F.69-42/W. 26 Sept 42

Amendments to the Defence of India Rules.

Attention is invited to notification by the Government of India, Defence Department, No.1567-OR/42, dated the 12th September 1942, published in Part I of the Gazette of India of the same date.

for SECRETARY TO THE RESIDENT.

KRL

REGISTERED No. L 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, SEPTEMBER 5, 1942

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 5th September, 1942

ORDINANCE No. XLVIII OF 1942

AN

ORDINANCE

further to amend the Defence of India Act, 1939.

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939, for the purpose hereinafter appearing ;

XXXV of 1939.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (*1*) This Ordinance may be called the Defence of India (Second Amendment) Ordinance, 1942. Short title and commencement.

(*2*) It shall come into force at once.

[*Price 1 anna.*]

REGISTERED No. L. 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, FRIDAY, MAY 22, 1942

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 22nd May, 1942

ORDINANCE No. XXII OF 1942.

AN

ORDINANCE

to provide for the exercise by an officer appointed by the Central Government of certain powers and functions vested in the Commander-in-Chief of His Majesty's Forces in India.

WHEREAS an emergency has arisen which makes it necessary to provide for the exercise by an officer appointed by the Central Government of certain powers and functions vested in the Commander-in-Chief of His Majesty's Forces in India ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (*1*) This Ordinance may be called the Deputy Commander-in-Chief (Powers) Ordinance, 1942. **Short title and commencement.**

(*2*) It shall come into force at once.

2. Any officer appointed to be Deputy Commander-in-Chief of His Majesty's Forces in India may exercise any of the powers and functions vested in the Commander-in-Chief of His Majesty's Forces in India by or under the Army Act or by or under any Indian law for the time being in force. **Powers of Deputy Commander-in-Chief.**

44 & 45 Vict., c. 58.

LINLITHGOW,

Viceroy and Governor General.

G. H. SPENCE

Secy. to the Govt. of India.

[*Price 1 anna.*]

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 22nd May, 1942

ORDINANCE No. XXIII OF 1942

AN

ORDINANCE

further to amend the Defence of India Act, 1939

WHEREAS an emergency has arisen which makes it necessary further to amend the Defence of India Act, 1939, for the purposes hereinafter appearing; XXXV of 1939.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance:— 26 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Defence of India (Amendment) Ordinance, 1942.

(*2*) It shall come into force at once.

Amendment of section 2, Act XXXV of 1939.

2. In clause (*xiv*) of sub-section (*2*) of section 2 of the Defence of India Act, 1939 (hereinafter referred to as the said Act), the words "used or likely to be used by the Central Government" shall be omitted. XXXV of 1939.

Amendment of section 6, Act XXXV of 1939.

3. In section 6 of the said Act,—

(*a*) after clause (*2*) the following clause shall be inserted, namely:—

"(*A*) Section 12 of the Indian Official Secrets Act, 1923, shall have effect as if after clause (*a*) the following clause had been inserted, namely:— XIX of 1923.

'(*aa*) an offence under section 5 shall be a cognizable and non-bailable offence'."

(*b*) in clause (*5*) for the words beginning with "the Indian Navy (Discipline) Act, 1934" and ending with the word "namely" the following shall be substituted, namely:— XXXIV of 1934.

"the Indian Navy (Discipline) Act, 1934, shall have effect as if in the Naval Discipline Act as set forth in the First Schedule to that Act— XXXIV of 1934.

(*a*) in section 58, in regulations (1) and (16) for the word "five" the word "three", in regulation (7) for the words "the president is a captain" the words "the president is a commander", and in regulation (15) for the word "four" the word "two" had been substituted;

(*b*) for section 90 the following section had been substituted, namely:—"

(*c*) after clause (*5*) the following clause shall be added, namely:—

"(*6*) the Motor Vehicles Act, 1939, shall have effect subject to the following modifications, namely:— IV of 1939.

(*a*) Notwithstanding anything contained in section 62 of that Act a permit under that section may be granted, and shall be granted in any case in which the Provincial Government so directs, to be effective for a period exceeding four months;

(*b*) Notwithstanding anything contained in Chapter IV of that Act, but without prejudice to the provisions of section 60, the transport authority which granted a permit may at any time cancel the permit or may suspend it for such period as it thinks fit, if in the opinion of the transport authority it is no longer in the public interest that the service should continue and the vehicle or vehicles covered by the permit can be more usefully employed elsewhere; and the transport authority shall cancel or suspend a permit issued by it if so required by the Provincial Government;

(*c*) If in any particular case the Provincial Government thinks fit so to order, the authority empowered to grant a permit under Chapter IV of that Act shall not, in deciding to grant or refuse a permit, be bound to take into consideration representations made by any person, authority or association other than the applicant, or to follow the procedure laid down in section 57, and may accept an application for a stage carriage permit or a public carrier's permit though made less than six weeks before the date on which it is desired that the permit shall have effect;

(*d*) The Provincial Government may exempt from all or any of the provisions of Chapter IV of that Act, all or any transport vehicles used or required for use in connection with work considered by the Provincial Government to be work connected with the defence of British India or the prosecution of war."

Substitution of new section 18 for existing section 18 in Act XXXV of 1939.

4. For section 18 of the said Act the following section shall be substituted, namely :—

Powers and functions and legal protection of Indian State military and police forces and of Crown Representative's police force when employed on military or police duties in British India.

"18. When any members of the military or police forces of an Indian State or any members of a police force constituted under the authority of the Crown Representative are, with the authority of the Central or a Provincial Government, employed in British India on military or police duties, then—

(*a*) sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, shall apply to officers, non-commissioned officers and men of an Indian State military force when so employed as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Army;

V of 1898.

(*b*) any provision of law for the time being in force which invests a police officer in British India with any status, power or function shall operate to invest a police officer of equivalent rank in an Indian State police force or in a police force constituted under the authority of the Crown Representative when so employed with the like status, power or function; and for the purposes of the Code of Criminal Procedure, 1898, an officer in any such force not below the rank equivalent to that of a sub-inspector of police in British India shall be deemed to be an officer in charge of a police station;

V of 1898

(c) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's military forces or of the police forces in British India from or in respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of an Indian State military force and to members of an Indian State police force or a police force constituted under the authority of the Crown Representative when so employed."

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 22nd May, 1942

ORDINANCE No. XXIV OF 1942.

AN

ORDINANCE

to amend the Special Criminal Courts Ordinance, 1942.

WHEREAS an emergency has arisen which makes it necessary to amend the Special Criminal Courts Ordinance, 1942, for the purpose hereinafter appearing ; II of 1942.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :— 26 Geo. 5, c. 2.

Short title and commencement.

1. (*1*) This Ordinance may be called the Special Criminal Courts (Amendment) Ordinance, 1942.

(*2*) It shall come into force at once.

Insertion of new section 24A in Ord. II of 1942.

2. After section 24 of the Special Criminal Courts Ordinance, 1942, the following section shall be inserted II of 1942. namely :—

Special provision regarding bail.

4A. Notwithstanding anything contained in the Code no person accused in a trial before a Court constituted under this Ordinance of a non-bailable offence shall be released on bail or on his own bond unless—

(*a*) the prosecution has been given an opportunity to oppose the application for such release, and

(*b*) the Court is satisfied that there are reasonable grounds for believing that he is not guilty of the offence,

and no person who has been sentenced by a Court constituted under this Ordinance to a term of imprisonment for any offence whether bailable or non-bailable shall be released on bail pending any appeal by him."

LINLITHGOW,
Viceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 22nd May, 1942

ORDINANCE No. XXV OF 1942

AN

ORDINANCE

further to amend the Coal Mines Safety (Stowing) Act, 1939.

WHEREAS an emergency has arisen which makes it necessary further to amend the Coal Mines Safety (Stowing) Act, 1939, for the purpose hereinafter appearing ;

XIX of 1939.

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor General is pleased to make and promulgate the following Ordinance :—

26 Geo. 5, c. 2.

1. (*1*) This Ordinance may be called the Coal Mines Safety (Stowing) Amendment Ordinance, 1942. Short title and commencement.

(*2*) It shall come into force at once.

2. In clause (*i*) of sub-section (*2*) of section 3 of the Coal Mines Safety (Stowing) Act, 1939, the words " in the service of the Crown " shall be omitted. Amendment of section 3, Act XIX of 1939.

XIX of 1939.

LINLITHGOW

Viceroy and Governor General.

G. H. SPENCE,

Secy. to the Govt. of India.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI.
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI.

THE DEFENCE OF INDIA (Amendment) ACT, 1942.

An Act to amend Act No. XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

Whereas the Government of His Highness the Maharaja is satisfied that it is necessary to amend Act No. XXVI of 1939 as well as the Defence of India Act, 1939, as applied to Mysore;

His Highness the Maharaja is pleased to enact as follows:--

1 (1). This Act may be called the Defence of India (Amendment) Act, 194

(2) It shall come into force at once.

2 (1). Section 1 of Act XXVI of 1939 (hereinafter referred to as the said Act) shall be renumbered as sub-section (2) of that section and in the section as so renumbered, the following words shall be added at the end, namely:--

"and subject to such amendments as may be made from time to time by the Central Government."

(2). Before sub-section (2) as so renumbered, the following sub-section shall be inserted, namely:-

"(1) This Act may be called the Defence of India (Adaptation to Mysore) Act, 1939".

3. In section 5 of the said Act, for the words "Section 31 of the General Clauses Act, 1899 (Act No. III of 1899) and the modifications specified in the schedule to this Act shall apply", the following words shall be substituted, namely:--

"the changes and modifications specified in section 31 of the General Clauses Act, 1899 (Act No. III of 1899) and, in the Schedule to this Act shall apply"

4. For item 8 of the schedule to the said Act, the following shall be substituted, namely:--

"8. For sub-section (3) of section 6 of the said Act, the following sub-sections shall be substituted, namely,--

XIV of 1940

"(3) the Mysore Press and Newspapers Act, 1940, (XIV of 1940) shall have effect as if in sub-section (1) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely:--

"or

"(bb) directly or indirectly convey any 'confidential information', any 'information likely to assist the enemy' or any 'prejudicial report', as defined in the rules made under the Defence of India Act, 1939, or are calculated to instigate the contravention of any of those rules." and

(iii) in sub-section (1) of section 18, after the word "makes" the words "prints or otherwise produces" had been inserted.

"(3-A) Act No. XXV of 1867 (the Press and Registration of Books Act, 1867), as applied to Mysore shall have effect as if,--

"(i) in section 1 thereof the following definitions had been inserted, namely--

"'editor' means the person who controls the selection of the matter that is published in a newspaper:" and

"'newspaper' means any printed periodical work containing public news or comments on public news:"

"(ii) in section 5 thereof, the following clause had been inserted after clause (1), namely--

"(1-a) every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of such newspaper";

"(iii) in section 7 thereof,--

"(a) after the words "the custody of such declarations" the words, 'or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor',

"(b) after the words 'such declaration' the words 'or printed on such newspaper, as the case may be' and

"(c) after the words 'in the declaration' the words 'or the editor of every portion of that issue of the newspaper of which a copy is produced' had been inserted:

"(iv) in section 15 thereof, after the words 'whoever shall' in the two places where they occur, the word 'edit' and after the words 'shall cease to be' the word 'edited' had been inserted;

THE DEFENCE OF INDIA (Amendment) ACT, 1942.

An Act to amend Act No. XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysor

Whereas the Government of His Highness the Maharaja is satisfied that it is necessary to amend Act No. XXVI of 1939 as well as the Defence of India Act, 1939, as applied to Mysore;

His Highness the Maharaja is pleased to enact as follows:--

1 (1). This Act may be called the Defence of India (Amendment) Act, 194

(2) It shall come into force at once.

2. In section 1 of Act XXVI of 1939 (hereinafter referred to as the said Act), the following words shall be added at the end, namely:--

> "and subject to such amendments as have been made, or may be made from time to time by the Central Government."

3. In section 5 of the said Act, for the words "Section 31 of the General Clauses Act, 1899 (Act No.III of 1899) and the modifications specified in the schedule to this Act shall apply", the following words shall be substituted, namely:--

> "The changes and modifications specified in section 31 of the General Clauses Act, 1899 (Act No. III of 1899) and in the Schedule to this Act shall apply"

4. For item 8 of the schedule to the said Act, the following shall be substituted, namely:--

> "8. For sub-section (3) of section 6 of the said Act, the following sub-sections shall be substituted, namely,--
>
> "(3) the Mysore Press and Newspapers Act, 1940, (XIV of 1940) shall have effect as if in sub-section (1) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely:--

XIV of 1940

"or

"(bb) directly or indirectly convey any 'confidential information", any 'information likely to assist the enemy' or any 'prejudicial report', as defined in the rules made under the Defence of India Act, 1939, or are calculated to instigate the contravention of any of those rules."

"(3-A) Act No. XXV of 1867 (the Press and Registration of Books Act, 1867), as applied to Mysore, shall have effect as if,--

"(i) in section 1 thereof the following definitions had been inserted, namely--

"'editor' means the person who controls the selection of the matter that is published in a newspaper:" and

"'newspaper' means any printed periodical work containing public news or comments on public news:"

"(ii) in section 5 thereof, the following clause had been inserted after clause (1), namely--

"(1-a) every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of such newspaper";

"(iii) in section 7 thereof,--

"(a) after the words "the custody of such declarations" the words, "or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor",

"(b) after the words "to such declaration" the words "or printed on such newspaper, as the case may be" and

"(c) after the words "in the declaration" the words "or the editor of every portion of that issue of the newspaper of which a copy is produced" had been inserted:

"(iv) in section 15 thereof, after the words 'whoever shall' in the two places where they occur, the word 'edit' and after the words 'shall cease to be' the word 'edited' had been inserted;

"(v) after section 11 thereof, the following sections had been inserted, namely--

"11-A. The printer of every newspaper in Mysore shall deliver at such place and to such officer as the Government may, by notification in the official Gazette direct and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.

"11-B. If any printer of any newspaper published in Mysore neglects to deliver copies of the same in compliance with section 11-A, he shall on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default."

NO 11

THE DEFENCEOF INDIA (Amendment) ACT, 1942.

An Act to amend Act No. XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

Whereas the Government of His Highness the Maharaja is satisfied that it is necessary to amend Act No. XXVI of 1939 as well as the Defence of India Act, 1939, as applied to Mysore;

His Highness the Maharaja is pleased to enact as follows:--

1 (1). This Act may be called the Defence of India (Amendment) Act, 194

(2) It shall come into force at once.

2. For item 8 of the schedule annexed to Act No. XXVI of 1939, the following shall be substituted, namely:--

"8. For sub-section (3) of section 6 of the said Act, the following sub-sections shall be substituted, namely,--

XIV of 1940 "(3) the Mysore Press and Newspapers Act, 1940, (XIV of 1940) shall have effect as if in sub-section (1) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely:--

"or

"(bb) directly or indirectly convey any 'confidential information', any 'information likely to assist the enemy' or any 'prejudicial report', as defined in the rules made under the Defence of India Act, 1939, or are calculated to instigate the contravention of any of those rules.";

"(3-A) Act No. XXV of 1867 (the Press and Registration of Books Act, 1867), as applied to Mysore, shall have effect as if,--

"(i) in section 1 thereof the following definitions had been inserted, namely--

"'editor' means the person who controls the selection of the matter that is published in a newspaper:" and

"'newspaper' means any printed periodical work containing public news or comments on public news:";

"(ii) in section 5 thereof, the following clause had been inserted after clause (1), namely--

"(1-a) every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of such newspaper";

"(iii) in section 7 thereof --

"(a) after the words "the custody of such declarations" the words, "or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor",

"(b) after the words "to such declaration" the words "or printed on such newspaper, as the case may be" and

"(c) after the words "in the declaration" the words "or the editor of every portion of that issue of the newspaper of which a copy is produced" had been inserted;

"(iv) in section 15 thereof, after the words "whoever shall" in the two places where they occur, the word "edit" and after the words "shall cease to be" the word "edited" had been inserted;

"(v) after section 11 thereof, the following sections had been inserted, namely--

"11-A. The printer of every newspaper in Mysore shall deliver at such place and to such officer as the Government may, by notification in the Official Gazette direct and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.

"11-B. If any printer of any newspaper published in Mysore neglects to deliver copies of the same in compliance with section 11-A, he shall on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable , on conviction by a magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default." '

5. ~~3.~~ In section 2 of the Defence of India Act, 1939, as applied to Mysore (hereinafter referred to as the said Act)

Amendment of Section 2, of 1939

(a) in clause (v) of sub-section (2), after the words "with foreign powers", the words "or with

States in India, or to prejudice the maintenance of peaceful conditions in the tribal areas", shall be inserted;

(b) in clause (xiv) of sub-section 2, the words "used or likely to be used by the Central Government" shall be omitted.

(c) in clause (xx) of sub-section 2, for the words "any trade or industry" the words "agriculture, trade or industry" shall be substituted.

(d) In sub-section (5), after the words "not being" the brackets and words "(except in the case of a Chief Commissioner's province)" shall be inserted.

4. In section 6 of the said Act,--

(a) after clause (2) the following clause shall be inserted, namely:--

> "2(A) Section 12 of the Indian Official Secrets Act, 1923, shall have effect as if after clause (a) the following clause had been inserted, namely:--
>
> "(aa) an offence under section 5 shall be a cognizable and non-bailable offence"

(b) in clause (5) for the words beginning with 'the Indian Navy (Discipline) Act, 1934" and ending with the word "namely" the following shall be substituted, namely:--

> "the Indian Navy (Discipline) Act, 1934, shall have effect as if in the Naval Discipline Act as set forth in the First Schedule to that Act--
>
> "(a) in section 58, in regulations (1) and (16) for the word "five" the word "three", in regulation (7) for the words "the president is a captain" the words "the president is a commander", and in regulation (15) for the word "four" the word "two" had been substituted;
>
> "(b) for section 90 the following section had been substituted, namely:--"

(c) after clause (5) the following clause shall be

added, namemly:--

"(6) the Motor Vehicles Act, 1939, shall have effect subject to the following notifications, namely:--

(a) Notwithstanding anything contained in section 62 of that Act a permit under that section may be granted, and shall be granted in any case in which the Provincial Government so directs, to be effective for a period exceeding four months;

(b) Notwithstanding anything contained in Chapter IV of that Act, but without prejudice to the provisions of section 60, the transport authority which granted a permit may at any time cancel the permit or may suspend if for such period as it thinks fit, if in the opinion of the transport authority it is no longer in the public interest that the service should continue and the vehicle or vehicles covered by the permit can be more usefully employed elsewhere; and the transport authority shall cancel or suspend a permit issued by it if so required by the Provincial Government;

(c) If in any particular case the Provincial Government thinks fit so to order, the authority empowered to grant a permit under Chapter IV of that Act shall not, in deciding to grant or refuse a permit, be bound to take into consideration representations made by any persons, authority or association other than the applicant, nor to follow the procedure laid down in section 57, and may accept an application for a stage carriage permit or a public carrier's permit though made less than six weeks before the date on which it is desired that the permit shall have effect;

(d) The Provincial Government may exempt from all or any of the provisions of Chapter IV of that Act, all or any transport vehicles used or required for use in connection with work considered by the Provincial Government to be work connected with the defence of British India or the prosecution of war."

5. For section 18 of the said Act the following section shall be substituted, namely:--

"18. When any members of the military or police forces of an Indian State or any members of a police force constituted under the authority of the Crown Representative are, with the authority of the Central or a Provincial Government, employed in British India on military or police duties, then--

V of 1898.

(a) sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, shall apply to officers, non-commissioned officers and men of an Indian State military force when so employed as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Army;

V of 1898.

(b) any provision of law for the time being in force which invests a police officer in British India with any status, power or function shall operate to invest a police officer of equivalent rank in an Indian State police force or in a police force constituted under the authority of the Crown Representative when so employed with the like status, power or function; and for the purposes of the Code of Criminal Procedure, 1898, an officer in any such force not below the rank equivalent to that of a sub-inspector of police in British India shall be deemed to be an officer in charge of a police station;

(c) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's military forces or of the police forces in British India from or in respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of an Indian State military force and to members of an Indian State police force or a police force constituted under the authority of the Crown Representative when so employed."

THE DEFENCE OF INDIA (Amendment) ACT, 1942.

An Act to amend Act No. XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

Whereas the Government of His Highness the Maharaja is satisfied that it is necessary to amend Act No. XXVI of 1939 as well as the Defence of India Act, 1939, as applied to Mysore;

His Highness the Maharaja is pleased to enact as follows:--

1 (1). This Act may be called the Defence of India (Amendment) Act, 194

(2) It shall come into force at once.

2. In section 1 of Act XXVI of 1939, the following words shall be added at the end, namely:-

"and subject to such amendments as may be made from time to time."

GOVERNMENT OF INDIA.

(LEGISLATIVE DEPARTMENT)

New Delhi, 8th October, 1942.

Ordinance No.LII of 1942.

An

ORDINANCE

further to amend the Indian Press (Emergency Powers) Act,1931.

XXIII of 1931.

WHEREAS an emergency has arisen which makes it necessary further to amend the Indian Press (Emergency Powers) Act, 1931, for the purpose hereinafter appearing;

26 Geo. 5,

Now, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, 1935, as set out in the Ninth Schedule to the Government of India Act, 1935, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short Title and commencement:- (1) This Ordinance may be called the Indian Press (Emergency Powers) Amendment Ordinance, 1942.

(2) It shall come into force at once.

2. Amendment of section 18, Act XXIII of 1931:- In sub-section (1) of section 18 of the Indian Press (Emergency Powers) Act, 1931, after the word "makes" the words "prints or otherwise produces" shall be inserted.

LINLITHGOW
Viceroy and Governor-General.

SHAVAX A. LAL.
Secretary to the Government of India

PR.

Office copy.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Order No. R2649 Legis.41-42-1

Dated, Bangalore, 24th Decr.1942.
26th

Ordered that the accompanying Defence of India (Amendment) Act, 1942, which received the assent of His Highness the Maharaja on the 11th day of December 1942, be published as Act No.XLIII of 1942, in the Mysore Gazette, for general information.

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2) Copy to the Translation Section

Bs.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R L 149 Legis 41-42-1 Dated, Bangalore, 26th Dec 1942

Ordered that the accompanying Defence of India (Amendment) Act, 1942,

which received the assent of His Highness the Maharaja, on the 11th day of December 1942, be published as Act No. XL III of 1942, in the *Mysore Gazette*, for general information.

Cus 12
22

General Secretary to Government.

Law Department

W

To

(1) The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

(2) Copy to the Translation Sectin

Act No XLIII of 1942

THE DEFENCE OF INDIA (Amendment) ACT, 1942.

An Act to amend Act No. XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

(Received the assent of His Highness the Maharaja on the 11th day of December 1942)

Whereas the Government of His Highness the Maharaja is satisfied that it is necessary to amend Act No. XXVI of 1939 as well as the Defence of India Act, 1939, as applied to Mysore;

His Highness the Maharaja is pleased to enact as follows:--

1 (1). This Act may be called the Defence of India (Amendment) Act, 194

(2) It shall come into force at once.

2. Section 1 of Act XXVI of 1939 (hereinafter referred to as the said Act) shall be renumbered as sub-section (2) of that section and before the sub-section as so renumbered, the following sub-section shall be inserted, namely:--

"(1) This Act may be called the Defence of India (Adaptation to Mysore) Act, 1939".

3. In section 5 of the said Act, for the words "Section 31 of the General Clauses Act, 1899 (Act No. III of 1899) and the modifications specified in the schedule to this Act shall apply", the following words shall be substituted, namely:--

"~~the~~ changes and modifications specified in section 31 of the General Clauses Act, 1899 (Act No. III of 1899) and, in the Schedule to this Act shall apply"

4. For item 8 of the schedule to the said Act, the following shall be substituted, namely:--

8. For sub-section (3) of section 6 of the said Act, the following sub-sections shall be substituted, namely,--

XIV of 1940 (3) the Mysore Press and Newspapers Act, 1940, (XIV of 1940) shall have effect as if,--

(i) in sub-section (1) of section 4 thereof, after clause (b), the following word and clause had been inserted, namely:--

"or

(bb) directly or indirectly convey any 'confidential information', any 'information likely to assist the enemy' or any 'prejudicial report', as defined in the rules made under the Defence of India Act, 1939, or are calculated to instigate the contravention of any of those rules," and

(ii) in sub-section (1) of section 18 thereof, after the word "makes" the words "~~persists~~ or otherwise produces" had been inserted.

(3-A) Act No. XXV of 1867 (the Press and Registration of Books Act, 1867), as applied to Mysore, shall have effect as if,--

(i) in section 1 thereof the following definitions had been inserted, namely--

"'editor' means the person who controls the selection of the matter that is published in a newspaper:" and

"'newspaper' means any printed periodical work containing public news or comments on public news:"

(ii) in section 5 thereof, the following clause had been inserted after clause (1), namely--

(1-a) every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of such newspaper";

(iii) in section 7 thereof,--

(a) after the words 'the custody of such declarations' the words, 'or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor',

(b) after the words 'to such declaration' the words 'or printed on such newspaper, as the case may be' and

(c) after the words 'in the declaration' the words 'or the editor of every portion of that issue of the newspaper of which a copy is produced' had been inserted:

(iv) in section 15 thereof, after the words 'whoever shall', in the two places where they occur, the word 'edit' and after the words 'shall cease to be' the word 'edited' had been inserted:

(v) after section 11 thereof, the following sections had been inserted, namely--

"11-A. The printer of every newspaper in Mysore shall deliver at such place and to such officer as the Government may, by notification in the official Gazette direct and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.

11-B. If any printer of any newspaper published in Mysore neglects to deliver copies of the same in compliance with section 11-A, he shall on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default."

5. In the Annexure to the Defence of India (Adaptation to Mysore) Act, 1939, being the Defence of India Act, 1939 of the ~~Central Legislature~~ Government of India (XXXV of 1939), as applied to Mysore, the following amendments shall be incorporated, namely:--

"(1) In section 2,--

Amendment of Section 2 Act XXXV of 1939.

(a) in clause (v) of sub-section (2), after the words "with foreign powers", the words "or with States in India, or to prejudice the maintenance of peaceful conditions in the tribal areas" shall be inserted;

(b) in clause (xiv) of sub-section(2), the words "used or likely to be used by the Central Government" shall be omitted.

(c) in clause (xx) of sub-section(2), for the words "any trade or industry" the words "agriculture, trade or industry" shall be substituted.

(d) in sub-section (5), after the words "not being" the brackets and words "(except in the case of a Chief Commissioner's province)" shall be inserted.

(2) In section 6,--

(a) after clause (2) the following clause

shall be inserted, namely:-

"2(A) Section 12 of the Indian Official Secrets Act, 1923, shall have effect as if after clause (a) the following clause had been inserted, namely:--

"(aa) an offence under section 5 shall be a cognizable and non-bailable offence"

(b) in clause (5) for the words beginning with "the Indian Navy (Discipline) Act, 1934" and ending with the word "namely" the following shall be substituted namely:--

"the Indian Navy (Discipline) Act, 1934, shall have effect as if in the Naval Discipline Act as set forth in the First Schedule to that Act--

"(a) in section 58, in regulations (1) and (16) for the word 'five' the word 'three', in regulation (7) for the words 'the president is a captain' the words "the president is a commander", and in regulation (15) for the word 'four' the word 'two' had been substituted;

"(b) for section 90 the following section had been substituted, namely:--"

(c) after clause (5) the following clause shall be added, namely:--

"(6) the Motor Vehicles Act, 1939, shall have effect subject to the following notifications, namely:--

(a) Notwithstanding anything contained in section 62 of that Act a permit under that section may be granted, and shall be granted in any case in which the Provincial Government so directs, to be effective for a period exceeding four months;

(b) Notwithstanding anything contained in Chapter IV of that Act, but without prejudice to the provisions of section 60, the transport authority which granted a permit may at any time cancel the permit or may suspend it for such period as it thinks fit, if in the opinion of the transport authority it is no longer in the public interest that the service should continue and the vehicle or vehicles covered by the permit can be more usefully employed elsewhere; and the transport authority shall cancel or suspend a permit issued by it if so required by the Provincial Government;

(c) If in any particular case the Provincial Government thinks fit so to order, the authority empowered to grant a permit under Chapter IV of that Act shall not, in deciding to grant or refuse a permit, be bound to take into consideration representations made by any person, authority or association other than the applicant, or to follow the procedure laid down in section 57, and may accept an application for a stage carriage permit or a public carrier's permit though made less than six weeks before the date on which it is desired that the permit shall have effect;

(d) The Provincial Government may exempt from all or any of the provisions of Chapter IV of that Act, all or any transport vehicles used or required for use in connection with work considered by the Provincial Government to be work connected with the defence of British India or the prosecution of war."

(3) For section 18, the following section shall be substituted, namely:--

"18. When any members of the military or police forces of an Indian State or any members of a police force constituted under the authority of the Crown Representative are, with the authority of the Central or a Provincial Government, employed in British India on military or police duties, then--

(a) sections 128, 130 and 131 of the Code of of Criminal Procedure, 1898, shall apply to officers, non-commissioned officers and men of an Indian State military force when so employed as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Army;

V of 1898.

(b) any provision of law for the time being in force which invests a police officer in British India with any status, power or function shall operate to invest a police officer of equivalent rank in an Indian State police force or in a police force constituted under the authority of the Crown Representative when so employed with the like status, power or function; and for the purposes of the Code of Criminal Procedure, 1898, an officer in any such force not below the rank equivalent to that of a sub-inspector of police in British India shall be deemed to be an officer in charge of a police station;

V of 1898.

(c) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's military forces or of the police forces in British India from or in

respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of an Indian State military force and to members of an Indian State police force or a police force constituted under the authority of the Crown Representative when so employed."

18/11/42

NOTIFICATION.

Order No. Rl. 649—*Legis.* 41-42-1, *dated Bangalore, the* 24—26*th December* 1942.

Ordered that the accompanying Defence of India (Amendment) Act, 1942, which received the assent of His Highness the Maharaja on the 11th day of December 1942, be published as Act XLIII of 1942, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,

Secretary to Government,
Law Department.

ACT XLIII OF 1942.

THE DEFENCE OF INDIA (AMENDMENT) ACT, 1942.

An Act to amend Act XXVI of 1939 and the Defence of India Act, 1939, as applied to Mysore.

(Received the assent of His Highness the Maharaja on the eleventh day of December 1942.)

Whereas the Government of His Highness the Maharaja is satisfied that it is necessary to amend Act XXVI of 1939 as well as the Defence of India Act, 1939, as applied to Mysore;

His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Act may be called the Defence of India (Amendment) Act, 1942.

(2) It shall come into force at once.

2. Section 1 of Act XXVI of 1939 (hereinafter referred to as the said Act) shall be renumbered as sub-section (2) of that section and before the sub-section as so renumbered, the following sub-section shall be inserted, namely:—

"(1) This Act may be called the Defence of India (Adaptation to Mysore) Act, 1939."

3. In section 5 of the said Act, for the words "Section 31 of the General Clauses Act, 1899 (Act III of 1899) and the modifications specified in the schedule to this Act shall apply", the following words shall be substituted, namely:—

"the changes and modifications specified in section 31 of the General Clauses Act, 1899 (Act III of 1899) and, in the schedule to this Act shall apply"

4. For item 8 oft he schedule to the said Act, the following shall be substituted, namely:—

"8. For sub-section (3) of section 6 of the said Act, the following sub-sections shall be substituted, namely,—

XIV of 1940. "(3) the Mysore Press and Newspapers Act, 1940 (XIV of 1940) shall have effect as if,—

(i) in sub-section (1) of section 4 thereof, after clause (*b*), the following word and clause had been inserted, namely:—

"or

"(*bb*) directly or indirectly convey any 'confidential information' any 'information likely to assist the enemy' or any 'prejudicial report', as defined in the rules made under the Defence of India Act, 1939, or are calculated to instigate the contravention of any of those rules", and

ii) in sub-section (1) of section 18 thereof, after the word "makes" the words "prints or otherwise produces" had been inserted.

(3-A) Act XXV of 1867 (the Press and Registration of Books Act, 1867), as applied to Mysore, shall have effect as if,—

(i) in section 1 thereof, the following definitions had been inserted, namely:—

"'editor' means the person who controls the selection of the matter that is published in a newspaper:" and

"'newspaper' means any printed periodical work containing public news or comments on public news"

(ii) in section 5 thereof, the following clause had been inserted after clause (1) namely:—

(1-a) every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of such newspaper";

(iii) in section 7 thereof,—

(*a*) after the words 'the custody of such declarations' the words, 'or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor',

(*b*) after the words 'to such declaration', the words 'or printed on such newspaper, as the case may be' and

(*c*) after the words 'in the declaration', the words 'or the editor of every portion of that issue of the newspaper of which a copy is produced' had been inserted:

(iv) in section 15 thereof, after the words 'whoever shall', in the two places where they occur, the word 'edit' and after the words 'shall cease to be', the word 'edited' had been inserted;

(*v*) after section 11 thereof, the following sections had been inserted, namely:—

"11-A. The printer of every newspaper in Mysore shall deliver at such place and to such officer as the Government may, by notification in the official Gazette direct and free of expense to the Government, two copies of each issue of such newspaper as soon as it is published.

11-B. If any printer of any newspaper published in Mysore neglects to deliver copies of the same in compliance with section 11-A, he shall on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in this behalf, be punishable, on conviction by a magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees for every default."

5. In the Annexure tothe Defence of India (Adaptation to Mysore) Act, 1939, being the Defence of India Act, 1939, of the Government of India (XXXV of 1939), as

applied to Mysore, the following amendments shall be incorporated, namely :—

"(1) In section 2,—

Amendment of Section 2, Act XXXV of 1939.

clause (v) of sub-section (2), after the words with foreign powers", the words "or with States in India, or to prejudice the maintenance of peaceful conditions in the tribal areas", shall be inserted;

(*b*) in clause (xiv) of sub-section (2), the words "used or likely to be used by the Central Government" shall be omitted;

(*c*) in clause (xx) of sub-section (2), for the words "any trade or industry" the words "agriculture, trade or industry" shall be substituted.

(*d*) in sub-section (5), after the words "not being" the brackets and words "(except in the case of a Chief Commissioner's province)" shall be inserted.

(2) In section 6,—

(*a*) after clause (2), the following clause shall be inserted, namely :—

'2-(A) Section 12 of the Indian Official Secrets Act, 1923, shall have effect as if after clause (*a*) the following clause had been inserted, namely :—

(*aa*) an offence under section 5 shall be a cognizable and non-bailable offence."

(*b*) in clause (5) for the words beginning with "the Indian Navy (Discipline) Act, 1934" and ending with the word "namely" the following shall be substituted, namely :—

"the Indian Navy (Discipline) Act, 1934, shall have effect as if in the Naval Discipline Act as set forth in the First Schedule to that Act—

"(*a*) in section 58, in regulations (1) and (16) for the word 'five' the word 'three', in regulation (7), for the words 'the president is a captain' the words 'the president is a commander', and in regulation (15) for the word 'four' the word 'two' had been substituted;."

"(*b*) for section 90, the following section had been substituted, namely :—

(*c*) after clause (5), the following clause shall be added, namely :—

"(6) the Motor Vehicles Act, 1939, shall have effect subject to the following notifications, namely :—

(*a*) Notwithstanding anything contained in section 62 of that Act, a permit under that section may be granted, and shall be granted in any case in which the Provincial Government so directs, to be effective for a period exceeding four months ;

(*b*) Notwithstanding anything contained in Chapter IV of that Act, but without prejudice to the provisions of section 60, the transport authority which granted a permit may at any time cancel the permit or may suspend it for such period as it thinks fit, if in the opinion of the transport authority it is no longer in the public interest that the service should continue and the vehicle or vehicles covered by the permit can be more usefully employed elsewhere; and the transport authority shall cancel or suspend a permit issued by it if so required by the Provincial Government ;

(*c*) If in any particular case the Provincial Government thinks fit so to order, the authority empowered to grant a permit under Chapter IV of that Act shall not, in deciding to grant or refuse a permit, be bound to take into consideration representations made by any person, authority or association other than the applicant, or to follow the procedure laid down in section 57, and may accept an application for a stage carriage permit or a public carrier's permit though made less than six weeks before, the date on which it is desired that the permit shall have effect ;

(*d*) The Provincial Government may exempt from all or any of the provisions of Chapter IV of that Act, all or any transport vehicles used or required for use in connection with work considered by the Provincial Government to be work connected with the defence of British India or the prosecution of war."

(3) For section 18, the following section shall be substituted, namely:—

"18. When any members of the military or police forces of an Indian State or any members of a police force constituted under the authority of the Crown Representative are, with the authority of the Central or a Provincial Government, employed in British India on military or police duties, then:—

Act V of 1898.

(*a*) sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, shall apply to officers, non-commissioned officers and men of an Indian State military force when so employed as if they were officers, non-commissioned officers and soldiers respectively of His Majesty's Army;

Act V of 1898.

(*b*) any provision of law for the time being in force which invests a police officer in British India with any status, power or function shall operate to invest a police officer of equivalent rank in an Indian State police force or in a police force constituted under the authority of the Crown Representative when so employed with the like status, power or function; and for the purposes of the Code of Criminal Procedure, 1898, an officer in any such force not below the rank equivalent to that of a sub-inspector of Police in British India shall be deemed to be an officer in charge of a police station;

(*c*) any provision of law for the time being in force which gives protection, whether specifically or otherwise, to members of His Majesty's military forces or of the police forces in British India from or in respect of any prosecution or other legal proceedings or from or in respect of any other liability shall apply also to members of an Indian State military force and to members of an Indian State police force or a police force constituted under the authority of the Crown Representative when so employed."

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Dewan.

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